

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 18, 2009
SAN FRANCISCO, CALIFORNIA**

S156775 F050212 Fifth Appellate District **PEOPLE v. RAMIREZ
(JESSIE JOSE)**

The request for modification of the opinion is granted.

S156775 F050212 Fifth Appellate District **PEOPLE v. RAMIREZ
(JESSIE JOSE)**

Opinion modified - no change in judgment

S170560 E041425 Fourth Appellate District, Div. 2 **STATE OF CALIFORNIA v.
CONTINENTAL INSURANCE
COMPANY/(EMPLOYERS
INSURANCE OF WAUSAU)**

Petition for review granted (civil case)

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S152934 A107803 First Appellate District, Div. 4 **CORAL CONSTRUCTION,
INC. v. CITY & COUNTY OF
SAN FRANCISCO**

Supplemental briefing ordered

The court requests the Attorney General to file a brief directed to the following two questions:

- (1) Does article I, section 31 of the California Constitution, which prohibits government entities from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in public contracting, violate federal equal protection principles by making it more difficult to enact legislation on behalf of minority groups? (See *Washington v. Seattle School Dist. No. 1* (1982) 458 U.S. 457; *Hunter v. Erickson* (1969) 393 U.S. 385.)
- (2) If yes, is section 31 narrowly tailored to serve a compelling governmental interest?

The Attorney General may serve and file a letter brief on or before April 17, 2009. Plaintiffs and defendants may simultaneously serve and file letter briefs in response within 15 days after the filing of the Attorney General's brief.

S168047**STRAUSS (KAREN L.) v.
HORTON (MARK B.)/
(HOLLINGSWORTH)**

Case consolidated with:

Tyler v. State of California (S168066)*City and County of San Francisco v. Horton* (S168078)

The three above-entitled matters are consolidated for decision.

S168066**TYLER (ROBIN) v. STATE OF
CALIFORNIA/
(HOLLINGSWORTH)**

Case consolidated with:

Strauss v. Horton (S168047)*City and County of San Francisco v. Horton* (S168078)

The three above-entitled matters are consolidated for decision.

S168078**SAN FRANCISCO, CITY &
COUNTY OF v. HORTON
(MARK B.)/
(HOLLINGSWORTH)**

Case consolidated with:

Strauss v. Horton (S168047)*Tyler v. State of California* (S168066)

The three above-entitled matters are consolidated for decision.

S169411

G038379 Fourth Appellate District, Div. 3

**PEOPLE v. MOSLEY
(STEVEN LLOYD)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *In re E. J. on Habeas Corpus*, S156933 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S169666 D050686 Fourth Appellate District, Div. 1

Petition for review & depublication request(s) denied
Kennard, J., is of the opinion the petition should be granted.

**BREWER (CHRISTINE) v.
PREMIER GOLF
PROPERTIES**

S169669 B190301 Second Appellate District, Div. 8

Petition for review denied

**ARMOUR (TIMOTHY) AND
RITTER (NINA), MARRIAGE
OF**

S169683 B204090 Second Appellate District, Div. 1

Petition for review denied
The request for judicial notice is granted.

**PEOPLE v. BURKE (SHEILA
A.)**

S169718 B202561 Second Appellate District, Div. 4

Petitions for review denied

**PEOPLE v. GUTIERREZ
(JOSE I.) & CARPINTERO
(JOSE A.)**

S169725 F055139 Fifth Appellate District

Petition for review denied

**PEOPLE v. PERKINS (PAUL
THOMAS)**

S169733 A120289 First Appellate District, Div. 5

Petition for review & publication request(s) denied
The request for judicial notice is granted.
Werdegar, J., is of the opinion the petition should be granted.

**SALK (PIA) v. THE REGENTS
OF THE UNIVERSITY OF
CALIFORNIA**

S169777 C054903 Third Appellate District

Petition for review denied

**PEOPLE v. JONES (JEFFREY
DUPREE)**

S169778 C057232 Third Appellate District

Petition for review denied

**PEOPLE v. MEREDITH
(DWAYNE)**

S169798 G039456 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CALERA
(WENCESLAO)**

S169800 G041346 Fourth Appellate District, Div. 3

Petition for review denied

**ESCOBEDO (MANUEL) ON
H.C.**

S169810 E044161 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. COLLINS (PAULA
KAY)**

S169812 E040370 Fourth Appellate District, Div. 2

Petitions for review denied

**PEOPLE v. RICKETTS (JON-
PIERRE)**

S169853 E047331 Fourth Appellate District, Div. 2

Petition for review denied

CHASE (LOUIS) ON H.C.

S169859 B205565 Second Appellate District, Div. 8

Petition for review denied

R. (C.), IN RE

S169933 B205303 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. STRICKLAND
(DARRYL O'SHEA)**

S169958 B204869 Second Appellate District, Div. 7

Petition for review denied

**MILLER, JR., (DANIEL J.) v.
CITY OF LOS ANGELES**

S169977 H031218 Sixth Appellate District

Petition for review denied

**PEOPLE v. WARZEK
(MICHAEL RANDAL)**

S169982 B198168 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. WILSON
(TERRANCE WILLIE)**

S169983 A120721 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. YARBROUGH
(RONNIE)**

S169984 D051718 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. JOHNSON
(GEORGE)**

S169986 B201680 Second Appellate District, Div. 3
Petition for review denied

PEOPLE v. BOONE (ALLEN)

S169988 H031894 Sixth Appellate District

Petition for review denied

**PEOPLE v. KRALOVETZ
(RODNEY THEODORE)**

S169989 B203878 Second Appellate District, Div. 6
Petition for review denied

PEOPLE v. DIAZ (CARLOS)

S170025 E043929 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ESTES (KELLEN
LAMONT)**

S170027 A117691 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. GALVAN
(TIMOTHY PAUL)**

S170037 B201719 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. POWELL
(DARVELL)**

S170043 F053545 Fifth Appellate District

Petition for review denied

**PEOPLE v. JOSHUA
(DEBORAH JEAN)**

S170048 A120144 First Appellate District, Div. 3

Petition for review denied

**GIUSTO (ANTONIO) v. CITY
OF SAN MATEO
PERSONNEL BOARD (CITY
OF SAN MATEO)**

S170056 G038323/G039372 Fourth Appellate District, Div. 3 **KENNEY (WILLIAM J.) v.
TANFORAN PARK
SHOPPING CENTER**

Petition for review denied

S170063 B203245 Second Appellate District, Div. 3

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Gastello*, S153170, and *People v. Low*, S151961.

**PEOPLE v. BACON
(RONALD)**

S170067 C056586 Third Appellate District

Petition for review denied

**PEOPLE v. VALENCIA
(ANAMARIE)**

S170070 D051779 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WIGHT
(CHISOLM P.)**

S170073 D051215 Fourth Appellate District, Div. 1
Petition for review denied

PEOPLE v. FLORES (MIGUEL)

S170076 F055535 Fifth Appellate District
Petition for review denied

CITY OF TULARE v. S.C. (C.)

S170087 A123766 First Appellate District, Div. 4

Petition for review denied

**CHUNG (WAYNE) v. S.C.
(THE MEDICAL BOARD OF
CALIFORNIA)**

S170100 G039385 Fourth Appellate District, Div. 3

Petition for review denied

**JON'S FISH MARKET v.
COUNTY OF ORANGE**

S170105 E045240 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. AVERSA (MARIA
ELAINE)**

S170126 B203031 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. LYON (EDWARD
L.)**

S170133 H031726 Sixth Appellate District

Petition for review denied

**PEREZ (ISMAEL DIAZ) v.
GRAJALES (ELVIA)**

S170167 B203710 Second Appellate District, Div. 1

Petition for review denied

**GOTTLIEB (RICHARD K.) v.
KEST (MICHAEL)**

S170206 A120470 First Appellate District, Div. 2

Petition for review denied

**TZORTZATOS (ELIE),
ESTATE OF**

S170210 D052505/D053431 Fourth Appellate District, Div. 1 **SAN DIEGO, CITY OF v.
MISSION VALLEY
PARTNERSHIP**

Petition for review denied

S170215 C060820 Third Appellate District
Petition for review denied

ROBINSON (LEON) ON H.C.

S170224 A123633 First Appellate District, Div. 4

Petition for review denied

**LEWIS (MILTON OTIS) ON
H.C.**

S170259 C056968 Third Appellate District
Petition for review denied

**PEOPLE v. DAVIS (SHAWN
TYRONE)**

S170290 B204007 Second Appellate District, Div. 5
Petition for review denied

**PEOPLE v. TORRES
(MICHAEL PHILLIP)**

S170299 F054396 Fifth Appellate District
Petition for review denied

**PEOPLE v. FORREST
(BOBBY JEAN)**

S170334 A123642 First Appellate District, Div. 3
Petition for review denied

**HOLMES-HARRISON
(CEDRIC) ON H.C.**

S170337 B205550 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. HAGGERTY
(DEION)**

S170341 D053557 Fourth Appellate District, Div. 1

Petition for review denied

BARLOW (DONALD) ON H.C.

S170346 G039137 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. JOHNSON
(TREVOR ANTHONY)**

S170348 D051743 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MCINTOSH
(ROBERT A.)**

S170352 B200397 Second Appellate District, Div. 8

Petition for review denied

H. (A.), IN RE

S170354 E044921 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CABADA
(ROBERT DAVID)**

S170355 C058002 Third Appellate District

Petition for review denied

**PEOPLE v. MURDOCK
(JOHN DOUGLAS)**

S170366 F054133 Fifth Appellate District

Petition for review denied

**PEOPLE v. STYLES
(RAYMOND KENNETH)**

S170370 B208142 Second Appellate District, Div. 7 **CRAB ADDISON, INC. v. S.C. (MARTINEZ)**

Petition for review & application for stay denied
The request for an order directing depublication of the opinion is denied.

S170381 F056751 Fifth Appellate District **RICHARDSON (FORREST M.) ON H.C.**

Petition for review denied
Baxter, J., was recused and did not participate.

S170391 A118871 First Appellate District, Div. 4 **PEOPLE v. DAVENPORT (CHARLES SANTIAGO)**

Petition for review denied

S170405 B198095 Second Appellate District, Div. 6 **PEOPLE v. GARCIA (JAIME FARFAN)**

Petition for review denied

S170408 D054463 Fourth Appellate District, Div. 1 **MAHDAVI (KAMAL B.) v. S.C. (PEOPLE)**

Petition for review denied

S170433 B212726 Second Appellate District, Div. 4 **VILLALBA (PHILIP) ON H.C.**
Petition for review denied

S170437 G040872 Fourth Appellate District, Div. 3 **PEOPLE v. SMITH (TERRYANCE ACEY)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Nguyen*, S154847.

S170443 D054505 Fourth Appellate District, Div. 1 **MAHDAVI (KAMAL B.) v. S.C. (PEOPLE)**

Petition for review denied

S170461 F056814 Fifth Appellate District

Petition for review denied

Baxter, J., was recused and did not participate.

**GUILLORY (MARTIN) ON
H.C.**

S170462 H033754 Sixth Appellate District

Petition for review denied

**DALTON (ALLEN WALTER)
ON H.C.**

S170471 B213220 Second Appellate District, Div. 5
Petition for review denied

MORAN (JOSE H.) ON H.C.

S170473 G040139 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. WATKINS
(KENNEY DWAYNE)**

S170476 C055898 Third Appellate District

Petition for review denied

**PEOPLE v. MCCANTS
(ANTHONY LANIL)**

S170483 B202211 Second Appellate District, Div. 4
Petition for review denied

PEOPLE v. PAUL (TRACY)

S170491 B201373 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. LINER (ADDISON
ALBERT)**

S170495 B203494 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. HARRIS
(TRAVON)**

S170520 B203911 Second Appellate District, Div. 1

Petition for review denied

GUNTHER (BRADLEY STEVEN) v. GUNTHER (SHERRY)

S170556 D053016 Fourth Appellate District, Div. 1

Petition for review denied

CRAIG (RICHARD) v. MASON (GAIL M.)

S170658 B213527 Second Appellate District, Div. 6

Petition for review & application for stay denied

WALTERS (COURTNEY ERIN) v. S.C. (PEOPLE)

S170751 A124009 First Appellate District, Div. 4

Petition for review & application for stay denied

COXETER (JAMES C.) v. S.C. (ROBERTS)

S170974 C056780 Third Appellate District

Petition for review denied

M. (N.), IN RE

S163142

Petition for writ of habeas corpus denied

DIXON (FRANK) ON H.C.

S166297

Petition for writ of habeas corpus denied

LYNCH (THERON N.) ON H.C.

S166311

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)

BRIONES (JESUS CARLOS) ON H.C.

S166321

Petition for writ of habeas corpus denied

**HICKS (BARRY DAMAR) ON
H.C.**

S166391

Petition for writ of habeas corpus denied

**BERLANGA (RICKY S.) ON
H.C.**

S166393

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**CARROLL (CASEY O.) ON
H.C.**

S166395

Petition for writ of habeas corpus denied

**LANDEROS (FAUSTINO) ON
H.C.**

S166665

Petition for writ of habeas corpus denied

**WALTERS (RONALD E.) ON
H.C.**

S166740

Petition for writ of habeas corpus denied

SHOPE (DANI) ON H.C.

S166805

Petition for writ of habeas corpus denied

TSE (HON KEUNG) ON H.C.

S166868

Petition for writ of habeas corpus denied

**BENTON (RICKEY
DARNELL) ON H.C.**

S166869

Petition for writ of habeas corpus denied

PRESTON (DIANNA) ON H.C.

S166872

Petition for writ of habeas corpus denied

ABERNATHY (JAMES R.) ON H.C.

S166873

Petition for writ of habeas corpus denied

CLARK (HENRY) ON H.C.

S166874

Petition for writ of habeas corpus denied

PAGAN (ANGEL) ON H.C.

S166877

Petition for writ of habeas corpus denied

RENTERIA (JESSE RAYMOND) ON H.C.

S166879

Petition for writ of habeas corpus denied

RUSH (ROBERT D.) ON H.C.

S166893

Petition for writ of habeas corpus denied

DELGADO (JESSE) ON H.C.

S166940

Petition for writ of habeas corpus denied

FISHER (DUMAR C.) ON H.C.

S166953

Petition for writ of habeas corpus denied

BARCO (JOHN) ON H.C.

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S166985

Petition for writ of habeas corpus denied

LANDEROS (FAUSTINO) ON H.C.

S166995**KING (LARRY DONNELL)
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)**S167104****SEALS (ELTON LYDELL) ON
H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)**S167107****BIGHORSE (CRAIG L.) ON
H.C.**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)**S167110****CHAMBERS (DARLENE L.)
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)**S167116****MCNABB (RONNIE) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S167133****VALENZUELA (ISMAEL) ON
H.C.**

Petition for writ of habeas corpus denied

S167139**DANG (CHANH MINH) ON
H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S167141

Petition for writ of habeas corpus denied

PHILLIPS (MELVIN) ON H.C.

S167176

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750.)

JAMES (JESSIE) ON H.C.

S167178

Petition for writ of habeas corpus denied
Corrigan, J., was recused and did not participate.

LIA (MICHAEL) ON H.C.

S167770

Petition for writ of habeas corpus denied

**LUCAS (WEBSTER S.) ON
H.C.**

S167876

Petition for writ of habeas corpus denied

BRYANT (JAMES E.) ON H.C.

S168199

Petition for writ of habeas corpus denied

**HALL, JR., (RICHARD
GARY) ON H.C.**

S168508

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**LYNCH (THERON N.) ON
H.C.**

S169207

Petition for writ of habeas corpus denied

**HALL, JR., (RICHARD
GARY) ON H.C.**

S169712

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)**KING (LARRY DONNELL)
ON H.C.****S170275**

Petition for writ of habeas corpus denied

**HALL, JR., (RICHARD
GARY) ON H.C.****S170619**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)**BLAMEY (RONALD D.) ON
H.C.****S170626**

Petition for writ of habeas corpus denied

NAROG (CORY) ON H.C.**S170642**

Petition for writ of habeas corpus denied

GIL (FRANCISCO) ON H.C.**S170643**

Petition for writ of habeas corpus & stay denied

BOWMAN (GARY) ON H.C.**S170649**

Petition for writ of habeas corpus denied

HENRY (STEPHEN) ON H.C.**S170657**

Petition for writ of habeas corpus denied

SHEBBY (JOSHUA) ON H.C.**S170660**

Petition for writ of habeas corpus denied

**HALE (BRETT ALEXANDER)
ON H.C.**

S170663

Petition for writ of habeas corpus denied
(See *In re Miller* (1941) 17 Cal.2d 734.)

**JACKSON (CLINTON LEE)
ON H.C.****S170827**

Petition for writ of habeas corpus denied

**BENYAMINI (ROBERT) ON
H.C.****S170837**

Petition for writ of habeas corpus denied

**NOBLE IV (STEVE JOSEPH)
ON H.C.****S169820**

G041305 Fourth Appellate District, Div. 3

Depublication request denied (case closed)

**VEYNA (DAVID F.) v.
ORANGE COUNTY
NURSERY, INC.****S080276**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 8, 2009.

**PEOPLE v. NG (CHARLES
CHITAT)****S089609**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 12, 2009.

**PEOPLE v. DELGADO
(ANTHONY GILBERT)**

S107508**VALDEZ (ALFREDO REYES)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Marilee Marshall's representation that she anticipates filing the petitioner's brief of exceptions by May 8, 2009, counsel's request for an extension of time in which to file that brief is granted to May 8, 2009. After that date, no further extension is contemplated.

S107900**PEOPLE v. WRIGHT, JR.,
(WILLIAM LEE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 18, 2009.

S122123**PEOPLE v. RODRIGUEZ
(ANGELINA)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 22, 2009.

S163288**GOMEZ (MANUEL) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to April 22, 2009.

S167303**SLAUGHTER (MICHAEL
COREY) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Harry Joseph Colombo's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by November 2009, counsel's request for an extension of time in which to file that document is granted to May 20, 2009. After that date, only three further extensions totaling about 180 additional days are contemplated.

S167924**GRAY (MARIO LEWIS) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender John M. Rappaport's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by April 10, 2009, counsel's request for an extension of time in which to file that document is granted to April 10, 2009. After that date, no further extension is contemplated.

S169090**PEOPLE v. CHOYCE
(WILLIAM JENNINGS)**

Extension of time granted

Good cause appearing therefor, in light of the fact that the clerk's transcript exceeds 10,000 pages, the request of the superior court clerk for an extension of time to complete the clerk's transcript on appeal is granted. (See Cal. Rules of Ct., rule 8.616(d)(1),(2).) The superior court clerk is directed to complete the clerk's transcript on appeal on or before April 20, 2009, and to notify the Clerk of this court in writing as soon as the transcript is completed.

S027730**PEOPLE v. ALFARO (MARIA
DEL ROSIO)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for condemned prisoner Maria del Rosio Alfaro, filed March 2, 2009, is granted.

The order appointing Karen L. Snell as counsel of record for condemned prisoner Maria del Rosio Alfaro, filed June 10, 1996, is hereby vacated.

The Federal Public Defender for the Central District of California is hereby appointed attorney of record for condemned prisoner Maria del Rosio Alfaro. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S052288**PEOPLE v. HAMILTON
(BERNARD LEE)**

Order appointing Habeas Corpus Resource Center filed

Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Bernard Lee Hamilton for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From

Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court's delay in appointing habeas corpus/executive clemency counsel on behalf of appellant Bernard Lee Hamilton.

S113653**PEOPLE v. HOYT (RYAN JAMES)**

Order appointing Habeas Corpus Resource Center filed

Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Ryan James Hoyt for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

S072161**PEOPLE v. POTTS (THOMAS)**

Record augmentation granted

Appellant's "Motion to Augment the Record on Appeal" filed on February 4, 2009, is granted. Pursuant to California Rules of Court, rules 8.155, 8.610(a)(1)(L), 8.610(2)(N), the Clerk of the Court is directed to file as part of the appellate record the following attachments to appellant's motion:

"Notice of Motion and Motion to Modify Restitution Fine," including "Points and Authorities in Support of Motion to Modify Restitution Fine," filed February 1, 2007.

Exhibit A ["Declaration of Thomas Potts"].

Exhibit B ["Trust and Restitution Account Statements Delivered by San Quentin State Prison to Mr. Potts"].

Exhibit C ["Spreadsheet Prepared from Trust and Restitution Account Statements"].

Exhibit D ["San Quentin's 'Matrix' of Allowable Items, an Attachment to San Quentin Operational Procedure No. 0-0215"].

Exhibit E ["Excerpts from San Quentin Operational Procedure No. 0-0215"].

Exhibit F ["San Quentin Canteen Order Form"].

Exhibit G ["Declaration of Michael P. Goldstein"].

"Opposition to Defendant's Motion to Reduce the Restitution Fine," filed February 9, 2007.

The Clerk of the Court is further directed to file as part of the appellate record a copy of the Reporter's Transcript of "Motion to Preserve Evidence and Motion to Reduce Restitution," held February 27, 2007, before the Hon. Louis F. Bissig in Kings County Superior Court (*People v. Potts*, F052838, 1 RT 1-17).

Pursuant to California Rules of Court, rules 8.634(c), 8.610(a)(1)(C), and on the court's own motion, the Clerk of the Court is directed to file as part of the appellate record a copy of the Minute Order of February 27, 2007, re: Motion to Preserve Evidence and Motion to Reduce Restitution (*People v. Potts*, F052838, 1 CT 117-118).

S164272**INTERNATIONAL SOCIETY
FOR KRISHNA
CONSCIOUSNESS OF
CALIFORNIA, INC. v. CITY
OF LOS ANGELES**

Order filed

The request of Appellants' International Society for Krishna Consciousness of California, Inc., and Emil Beca to withdraw motion to augment record is hereby granted.

S164272**INTERNATIONAL SOCIETY
FOR KRISHNA
CONSCIOUSNESS OF
CALIFORNIA, INC. v. CITY
OF LOS ANGELES**

Order filed

The application of Appellants' City of Los Angeles et al., to file a Reply Brief on the Merits in excess of length limit is hereby denied.

S170147

Petition denied (accusation)

ROGERS, ACCUSATION OF**S170367**

Petition denied (accusation)

**WILLIAMS, ACCUSATION
OF****S170409**

Petition denied (accusation)

**GOLDENBERG, ACCUSATION
OF****S170500**

Petition denied (accusation)

MORENO, ACCUSATION OF

S169924**MATTINGLY ON DISCIPLINE**

Recommended discipline imposed

The court orders that SCOTT A. MATTINGLY, State Bar Number 164479, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for the first 60 days of probation. The court orders that SCOTT A. MATTINGLY comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed November 5, 2008, as modified by its orders filed on November 20 and 26, 2008. The court orders that SCOTT A. MATTINGLY take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S169925**GERSHFELD ON DISCIPLINE**

Recommended discipline imposed

The court orders that YANA K. GERSHFELD, State Bar No. 201998, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 21, 2008. The court orders that YANA K. GERSHFELD take and pass the Multistate Professional Responsibility Examination no later than one year after the effective date of this order. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S169928**STRONG ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROGER ALAN STRONG, State Bar No. 106390, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. The court also orders that ROGER ALAN STRONG comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date this order. (Bus. & Prof. Code, § 6126, subd. (c).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S169930**READ III ON DISCIPLINE****Recommended discipline imposed**

The court orders that JOHN ROYALL READ III, State Bar Number 51388, be suspended from the practice of law for three years and until he has shown proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law. (Standard 1.4 (c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct.) The court orders that JOHN ROYALL READ III comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 24, 2008. The court orders that JOHN ROYALL READ III take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) The court also orders that JOHN ROYALL READ III comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order. (Bus. & Prof. Code, § 6126, subd. (c). Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2010, 2011, and 2012. The court further orders that if JOHN ROYALL READ III fails to pay any installment of disciplinary costs within the time period provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.) The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S169935**DUNLAP, JR., ON
DISCIPLINE****Recommended discipline imposed**

It is ordered that GEORGE H. DUNLAP, JR., State Bar No. 138896, be suspended from the practice of law for five years, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4 (c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on August 29, 2008. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension.

(See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Respondent is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order. *Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S169938**KIM ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ERICA M. KIM, State Bar No. 158929, be summarily disbarred from the practice of law and that her name be stricken from the roll of attorneys. The court also orders that ERICA M. KIM comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order. (Bus. & Prof. Code, § 6126, subd. (c).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

A122713

First Appellate District, Div. 2

**BLACKWOOD (MARK) v.
WILCOX (NANCY)**

The above-entitled matter, now pending in the Court of Appeal, First Appellate District, is transferred from Division Two to Division Four.